

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

WALLACE MITCHELL

§

VS.

§

CIVIL ACTION NO. 1:22cv269

BRYAN K. DOBBS

§

ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Petitioner Wallace Mitchell, an inmate confined within the Bureau of Prisons, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge recommending the petition be dismissed without prejudice as repetitious.

The court has received the Report and Recommendation of United States, along with the record and pleadings. Petitioner filed objections to the Report and Recommendation. The court must therefore conduct a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

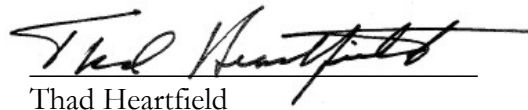
Petitioner challenges the loss of good conduct time. The Magistrate Judge's recommendation was based on the conclusion that petitioner had previously filed a substantially identical petition raising the same claims. *See Mitchell v. Dobbs*, No. 1:22cv169 (E.D. Tex.).

Petitioner does not contest that he previously prepared a substantially identical petition. However, in his objections, petitioner states he never received an acknowledgment indicating his prior petition had been filed with the court. A review of the court's records shows that the prior petition was filed with the court. A Show Cause Order has been entered in that matter. As petitioner may not challenge his loss of good conduct time in two separate petitions, the current petition must be dismissed as repetitious.

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED** as the opinion of the court. A final judgment shall be entered in accordance with the recommendation of the Magistrate Judge.

SIGNED this the **28** day of **September, 2022**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", is written over a horizontal line.

Thad Heartfield
United States District Judge